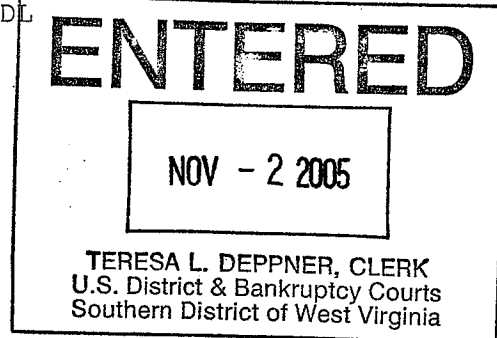


UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED
October 31, 2005

No. 05-2136
02-1477-MDL



In Re: SERZONE PRODUCTS LIABILITY LITIGATION

DAVID PENTZ

Party in Interest - Appellant

and

DEXTER HEIR; ANDREA HARPER; MARTHA SUE PERDUE; CECIL
GLADWELL; SUSAN K. KYLE, Individually and on behalf of all
others similarly situated

Plaintiffs

v.

BRISTOL-MYERS SQUIBB COMPANY

Defendant - Appellee

and

ALFRED DAECH; DAVID SULLIVAN; CHERYL WILLIAMS; LUCY CARLE;
REBECCA HITE; WILLIAM HUSEMAN; JOHN PARRISH; MARTY REGISTER;
WILLIAM SLOAN; EUNICE S. ACREMAN; MICKI BERRY; JOAN BLAND;
LILLIE BLUE; VONCILE BRYANT; ELIZABETH CARWYLE; DWAYNE
FERGUSON; ALLYSON HARRIS-BREWER; MARTHA HODGES; DONNA
KENNEDY; SHIRLEY LANDER; SHARI LIPSEY; MARY MONTGOMERY; MARY
RAND; MEISHA STRICKLAND; KENNETH TAYLOR; LORETTA TAYLOR;
DORIS THOMAS; RITA THOMAS; ANN WILLIAMSON; NETTIE WILSON;
IVY ALBE; LAURIE ALEXANDER; VERNON DAVIS; LEON HENLEY;
JACQUELINE WESTBROOK; CRAIG M. ALBRITTON; JOHNNIE D.
DAVIDSON

Parties in Interest

BLUE CROSS & BLUE SHIELD OF ALABAMA; BLUE CROSS & BLUE SHIELD OF

CALIFORNIA; BLUE CROSS & BLUE SHIELD OF KANSAS CITY;
 BLUE CROSS & BLUE SHIELD OF LOUISIANA; BLUE CROSS & BLUE SHIELD OF
 MICHIGAN; BLUE CROSS & BLUE SHIELD OF MINNESOTA;
 BLUE CROSS & BLUE SHIELD OF NORTH CAROLINA; PREMIER BLUE CROSS;
 WELLCHOICE, INCORPORATED; MOORE LAW FIRM; AETNA, INCORPORATED; BLUE
 CROSS & BLUE SHIELD OF ARKANSAS; BLUE CROSS & BLUE SHIELD
 ASSOCIATION; BLUE CROSS & BLUE SHIELD OF FLORIDA; BLUE CROSS
 & BLUE SHIELD OF KANSAS; BLUE CROSS & BLUE SHIELD OF
 MASSACHUSETTS; BLUE CROSS & BLUE SHIELD OF MISSISSIPPI; BLUE
 CROSS & BLUE SHIELD OF OKLAHOMA; BLUE CROSS & BLUE SHIELD OF
 TENNESSEE; BLUE CROSS & BLUE SHIELD OF VERMONT; BLUE CROSS
 OF IDAHO HEALTH SERVICE, INCORPORATED; CAPITAL BLUE CROSS;
 CARE FIRST BLUE CROSS BLUE SHIELD; CIGNA; FORTIS BENEFITS
 INSURANCE COMPANY; FORTIS INSURANCE; GOLDEN RULE INSURANCE
 COMPANY; GOVERNMENT EMPLOYEES HOSPITAL ASSOCIATION;
 GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY; GROUP HEALTH
 COOPERATIVE OF PUGET SOUND; GROUP HEALTH INCORPORATED; GROUP
 HEALTH, INCORPORATED, HMO; HEALTH INSURANCE PLAN OF GREATER
 NEW YORK; HEALTH NET, INCORPORATED; HEALTHNOW NEW YORK,
 INCORPORATED, d/b/a Blue Cross & Blue Shield of Western New
 York; HEALTHPARTNERS, INCORPORATED; HIGHMARK, INCORPORATED;
 HUMANA INCORPORATED; JOHN ALDEN LIFE INSURANCE COMPANY; KPS
 HEALTH PLAN; MEDICAL MUTUAL OF OHIO; MID-ATLANTIC MEDICAL
 SERVICES, INCORPORATED; MOUNTAIN STATE BLUE CROSS BLUE
 SHIELD; MUTUAL OF OMAHA; MVP HEALTH PLAN; NORIDIAN MUTUAL
 INSURANCE COMPANY, d/b/a Blue Cross & Blue Shield of North
 Dakota; OXFORD HEALTH PLANS; PACIFICARE HEALTH SYSTEMS;
 PRIORITY HEALTH, INCORPORATED; THE GUARDIAN LIFE INSURANCE
 COMPANY OF AMERICA; TUFTS HEALTH PLAN; UNITED HEALTH GROUP;
 VISTA HEALTHPLAN, INCORPORATED; WELLPOINT, INCORPORATED, and
 all of its affiliates and subsidiaries; WISCONSIN PHYSICIANS
 SERVICES INSURANCE CORPORATION; BRACEWELL AND GIULIANI, LLP;
 GRADY SCHNEIDER & NEWMAN, LLP; HAGANS, BOBB, BURDINE, PC

Movant

O R D E R

Appellant has filed an unopposed motion to dismiss.

The Court dismisses this appeal pursuant to Rule 42(b)
 of the Federal Rules of Appellate Procedure. The Clerk of
 this Court will issue a certified copy of this order to the
 Clerk of the District Court as and for the mandate.

For the Court - By Direction

/s/ Patricia S. Connor

CLERK

A True Copy, Teste:

Patricia S. Connor, Clerk

BY Margaret Thomas
Deputy Clerk